

QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 35, n°5
29 octobre 2013 | October 29 2013



QUID NOVI

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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publié qu'à la
discretion du comité de rédaction, qui

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rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



Co-Editor in Chief

WHAT A DIFFERENCE A COMMA CAN MAKE

"Let's clean up Montreal" is the slogan appearing at the end of an ad produced by the Syndicat des cols bleus de Montreal regroupe. In that ad, to the folk tune of a mandolin, a middle-aged, Italian-Canadian man, resembling my father—that is, when he's not wearing a blue collar—is shown taking out sizeable red, brown and pink stacks of money from the pockets of his silk suit. Cool as a cat, he stuffs the money into a strongbox, already brimming. The room is ill-lit, chiaroscuro, harsh, and as the camera begins to pan around the man, it brings to light what is his long, fat and naked rat tail.

A representative of the Syndicat explained to CTV news that the ad is part of their anti-corruption campaign and is merely intended to encourage Montrealers to vote in next week's municipal election. That's fair. Corruption is a real and serious problem. Vote! What isn't fair is that the rep denies that the ad effectively singles out Italian-Canadians, when, semiologically speaking, at the second order of signification, it can do only that.

Okay, put simply: this is an anti-corruption ad wherein 'corruption' is personified—right? And we agree that personification is the representation of an abstraction in human form. Here, identifiably, the personifying human form is a middle-aged, Italian-Canadian man. He's a stereotype; sure, yet I refuse to find solace as an Italian-Canadian in knowing that "we're not all corrupt."

Sadly, that is the gist of the claim made in response to the ad by the National Congress of Italian Canadians in a complaint filed to the human rights commission of Quebec: "the ad is offensive...to [Italian-Canadians] living in Montreal by associating them with organized crime." The ad is offensive to me, indeed; but not because it associates me with part of the problem. It's offensive because it disassociates and prevents me from being part of the solution: when I hear "Let's clean up Montreal" I am neither the speaker nor the addressee; what I am is excluded, a rat, a pest, the indirect object of the imperative verb 'clean up'.

Admittedly, I did consider writing this editorial in the form of such a quasi-apologia wherein I would apologize on behalf of those members of my community who are corrupt and, accordingly, remind the Quid reader that, duh, not all Italian-Canadians are like them.

To do this, perhaps I would have made reference to my working-class upbringing, to my parents, the honest, hard working immigrants that they are, never late in paying their taxes; or reference to my experiences working with and for Italian-Canadian businesspersons and professionals, in and accross many industries, including the food and beverage and construction industries, that such businesspersons and professionals are some of the most kind and generous I've ever come to meet.

But, of course, the Quid reader doesn't need reminding that Italian-Canadians are "not all alike", are "not all bad". She knows well that this would implicate both of us in a discourse of divisive rhetoric. She knows very well that what is really at stake in this ad is the inclusiveness of our society here in Montreal, here in Quebec, here in Canada. And that is why I'm so honoured to serve as a co-editor-in-chief of the Quid Novi.

So, dear reader, let my first order of business be to include a comma between 'up' and 'Montreal' in "Let's Clean Up Montreal" in order that it may read, "Montreal, Let's Clean up!" Ah! What a difference a comma can make, a splendored thing.

Bonne lecture,

Pietro



Law 2

DROPPING THE 'WRIT': PAYING TO WORK IN THE FACULTY OF LAW

The authors wish to thank the many students who have taken the time to talk about these issues with us. In particular, we would like to acknowledge (in alphabetical order) Pascale Aprile, Justin Fisch, Margery Pazdor, and Katie Spillane for helping us work through the arguments.

The student answering your questions during office hours and leading your tutorial. The student reviewing your research at the legal information clinic. The student working with authors to help bring their article to publication in a prestigious law journal. These students are just some of the many who provide important services to the Faculty of Law and larger McGill community... and pay for the privilege of doing so. In this article, we argue that the "work credit" approach to these activities is exploitative and unethical, and, after presenting each activity in context, we discuss what we consider to be credible alternatives. We conclude by addressing some counterarguments and rebuttals.

We hope that this article will be informative and serve to stimulate dialogue among all members of the Faculty (students, professors, staff, and senior administration). To that end, we especially encourage everyone with an interest in this issue – and its resolution – to attend the town hall meeting this Wednesday, October 30, 12:30-2:30 in the Moot Court. Entitled "Money Talks: Paid, Unpaid, and Paying Student Workers" and organized by 3L Katie Spillane, the town hall will feature panelists representing the student, faculty, and labour perspectives.

A. Not just for writers anymore: Non-course "work credits"

If you scroll down through the course listings in Minerva, past the PRV courses, the PROC courses, the PUB courses – indeed, past the point of no-return (REGN WDLW: "Withdrawn from the University") – you will find yourself in the land of the WRIT, which Minerva labels as "Law Writing Courses." In fact, the WRIT codes encompass all of what are generally referred to as the "non-course credits." They include credits for positions on three (soon to be four) journals, for tutorial leaders (TLs) and group assistants (GAs), for directorships of the Legal Information Clinic at McGill, for clerkships and clinic placements, and last but not least for various categories of writing project. Our focus in this paper will be on what we refer to loosely as "work credits": these include the TL- and GAs, journal positions, and the LICM directorships.

As "non-course credits," all of these activities come with a cost that is borne by the selected students. Tuition and supplementary fees for three credits – whether WRIT or otherwise – cur-

rently costs \$405 for a Quebec resident (and students eligible for international fee exemption, e.g. citizens of France), \$806 for a Canadian citizen or permanent resident from the rest of Canada, and \$3,331 for an international student.

Thus, a student who enrolls in WRIT credits is treated in the same way, from the perspective of registration and fee-payment, as a student who enrolls only in "normal" course credits such as Constitutional Law, Criminal Law, Food Law, etc.

To some, this may seem just, on the grounds that "a credit is a credit." We disagree and will seek to demonstrate why.

B. Issues we are not going to discuss (even though they are also very important)

Before we embark on the topic at hand, we would like to indicate a few related issues we cannot properly address here in the interest of space. Please note that all of these activities will be explored at the Money Talks town hall meeting!

Our focus is specifically on non-course credits from which the Faculty of Law and/or the University derive a direct benefit; therefore, clerkships for credit and most legal clinic courses fall outside the scope of our discussion. Although these activities unquestionably constitute a service, the bulk of the benefit is not to our institution but to others. Consequently, somewhat different arguments need to be marshalled against their current handling. Similarly, volunteer placements (such as unpaid, uncredited internships and pro bono placements) are also outside the scope of this article. So too are research assistantships (RAs).

Now that we've established what we will not be addressing, let us move on to our focus.

C. Principles

To begin, we need to establish two fundamental principles.

1. Any work should ideally have the potential to confer a benefit of professional development on the worker. Of course, the realization of this "professional development potential" in any given job is greatly dependent on the worker's aspirations, her attitude towards the job and reasons for taking it, her treatment by her supervisor, and countless other contextual factors. However, a priori, no "job" (in the broadest, vaguest meaning of the word) is void of professional development potential.

The corollary to this principle should then be clear: the mere fact that a "job" does have the potential to contribute to the

worker's professional development – and indeed does contribute to it – cannot be taken as an argument that that job should go unpaid.

2. It is true that a credit is a credit in the sense that we must all, at the least, end up with the magic number 105. A credit is also a credit in another sense: they all have the same "price," as discussed above.

Finally, a credit is a credit in a third, highly normative sense: it is a unit of "education" writ large. Academic programs operate (and are funded) on the understanding that a student who successfully completes X number of units of education has earned the degree associated with the program. This means that although some credits can certainly be "more equal" than others in the sense that they are mandatory or belong to a special category, all credits nonetheless are considered to have an equivalent educational value that makes them interchangeable from the point of view of obtaining a degree.

Thus, for any non-required, non-basket credit,

- If an enrolled law student pays the University/Faculty one credit's worth of tuition
- Then she will receive from the University/Faculty the right to participate in one credit's worth of educational experience and the communal resources to do so (e.g. a classroom and a teacher)
- And, if the student then completes the requirements for the educational experience
- Then she will receive one credit on her transcript

The point is this: the University/Faculty are entitled to receive exactly the same benefit – one credit's worth of tuition – from the student in exchange for each credit, regardless of which credit is selected. Hence, any direct benefit provided by the student to the University/Faculty above the cost of tuition is "unearned" under the terms of the exchange.

From the principles above, we can conclude the following: If the Faculty of Law and/or McGill University realize a direct benefit other than tuition from a student enrolled in an educational experience for credit, then that benefit is unearned, regardless of whether the student herself derived professional development as part of the educational experience.

At this juncture, we freely admit that we are about to cop out. We are lowly 2Ls, a mere quarter of the way through year two, and rather petrified of attempting to construct a remotely legalistic argument to be dissected by a distinguished assembly of legal experts, i.e. the faculty. Instead we will take the coward's way out and invoke ethics (1Ls, take note: this is not the way to wind up loose ends on your Contracts exam!):

Thus we conclude that if the scenario above obtains, it is unethical on the part of the Faculty and University in that it is exploitative, as well as coercive as we will explain below. The condition will be met if a benefit accrues to the Faculty/University. This is

what we will now show.

D. "A rose by any other name": TL- and GAships

TLs and GAs perform a variety of functions depending on the course for which they are "hired"; their duties may include marking assistance, small-group teaching, office hours, preparing learning materials and assignments, etc. Thus, they unequivocally provide a core service that contributes to the pedagogical mission of the Faculty. All TLs and most GAs receive two credits per term, while a small number of GAs receive one per term. As reflected in the adjacent graph, the overall class size has slowly crawled up at an average rate of just over one percent a year and TL numbers have been relatively constant over the past ten years, yet GA numbers have fluctuated wildly; not surprisingly, this fluctuation appears to be related to which faculty members are teaching which courses in any given year, and which pedagogical methods they favour. This fact does reflect an interesting problem with these positions: because they constitute an essentially cost-free way to improve the learning experience, lighten the teaching burden, etc., there does not appear to be any reason not to "grant" a GA to any professor who wants one. Indeed, since the GAs not only provide a service but also pay a tuition, there is an incentive to the institution to approve them.

So why are our roses called TLs and GAs instead of TAs? And why do they pay to work instead of being paid to work? The elephant in the room is called AGSEM, the "Association of Graduate Students Employed at McGill." AGSEM bills itself as "McGill's teaching union" and its full name gives a good part of the answer: its primary interest is graduate students. The AGSEM collective agreement explicitly defines a teaching assistant as "a Graduate Student employed to assist a Course Supervisor as a Teaching Assistant or a Demonstrator." We have not found any other definition of a teaching assistant at McGill. According to the collective agreement the University entered into with AGSEM, if you are not a graduate TA, you don't exist.

But the fact that we have not found another definition is not to say that we have not found non-graduate teaching assistants in the flesh. In fact, a small number of them are law students quietly working in other departments that do not have their own graduate program. More openly, certain departments publicly declare their hiring of undergraduate students: the Department of Computer Science and the Department of Electrical and Computer Engineering both advertise their willingness to hire (and pay) undergraduate TAs on their websites, and anecdotally, other departments also engage undergrads.

The loophole on which these departments rely is that while the AGSEM collective agreement defines priority hiring for different categories of graduate student, it is silent on what would happen if there were simply not enough graduate students to meet a department's needs. Thus when there is indeed a shortfall, departments have filled it with undergraduate TAs. For the Faculty of Law, this would suggest that if TL and GA positions were converted to AGSEM-covered TAs, any that were not of interest to LLM and DCL students would then be available to BCL/LLB stu-

dents. Our suspicion is that many of the resulting TAships would not be enticing to graduate law students, leaving a large number to be taken up by undergrads; some evidence of this can be found in the numerous research assistantships that are filled by BCL/LLB students despite being available to graduate students as well.

It is important to recognize what is at stake in the way that McGill Law's TA-like positions are currently handled. It is not only a question of money, nor is it only a question of the Faculty offering an enhanced pedagogical experience through the efforts of a small number of students who are then forced to pay as well. It is also a question of the framework of rights that is denied to TLs and GAs by virtue of their status as students "enrolled" in the work they are doing, instead of as employees. TLs and GAs are not necessarily provided with a work contract or even well-defined expectations for their role. They have no obvious recourse should they have concerns related to their work that cannot be characterized as harassment or other standard grounds for complaint against a teacher. If they decide for whatever reason that they can no longer continue their work, they cannot simply quit as an employee can; instead, they must "withdraw" from the "course"; depending on the timing, this step incurs a permanent note on their transcript and non-recovery of the tuition paid.

We would like to emphasize that our criticism with regard to the GA and TL system is levied at the system itself, and not at the faculty members who supervise these students. We understand and respect that larger class sections and the pressure to introduce more small-group teaching and one-on-one availability have left faculty members in a difficult position, and that the assistance of students may provide welcome relief. We only ask for recognition that the service that GAs and TLs provide is just that – specifically, one that is well paid in the other faculties at McGill. To pretend that these positions are no different than regular classes ignores reality. We do believe that many if not most TLs and GAs gain from the experience, but these educational benefits are simply what are due to them in exchange for the tuition they have paid; if they received no "training" as GAs and TLs, the offer of credits would be entirely hollow and morally suspect coming from a teaching institution in the business of awarding educational credits. On the other hand, what the Faculty gets back far exceeds the tuition: it enjoys an increased opportunity to customize the pedagogy of its course offerings and reduces its professors' workload to some extent. These advantages cost time and effort, and it is absurd that both that cost and the financial cost should be borne by a few dozen students a year.

- What we propose for GAs and TLs: Payment, probably in lieu of credit. Paying TLs and GAs would serve to acknowledge that what they do is primarily a service to the Faculty; educational/professional development ideally results as well, but it is a secondary consideration in the creation of these roles. We

recognize, of course, that some may disagree with this suggestion. In particular, they may consider that credits are an appropriate "currency" for GA and TL experiences, providing a boon, for example, for students intending to graduate in three years; however, it appears that in the majority of cases, the workload required for these positions far exceeds the demands of "normal" one- and two-credit courses, which would make overloading more difficult instead of easier for fast-tracking students. Skeptics of our proposed solution may also be concerned about the "risk" that few of these opportunities would remain for undergraduates if graduate students have first priority. An alternative approach that may satisfy those with this viewpoint would be to adopt the solution proposed below for journals and the Legal Information Clinic. While recognizing this option, we maintain that converting these roles to paid positions would be more respectful of the time, effort, and rights of these students.

E. Judging a book by its cover: Journals

Have you ever wondered what the Faculty of Law's research impact is? To judge from the Faculty's own website, captured in the adjacent image, it is first and foremost the three – soon to be four – entirely student-run journals. This salient section of the website is a nice illustration of the prestige that the journals bring to the Faculty. Student-run law journals here and elsewhere also provide a tremendous service to legal academia in Canada, dominating law-journal rankings.

McGill's journals operate on different models, ranging from solely credited positions (MLJ) to volunteer junior positions operating alongside credited senior and specialized positions (JSDLP), to volunteer positions for all but the executive (MJLH). Thus, depending on the journal, students have no choice but to "purchase" their involvement – either for any role at all or for access to more senior roles. And depending on the credited role, the purchase price ranges from two credits worth a year up to six. Aside from the qualms one may have about "purchasing," this situation also leads to inequities between credited and uncredited students: in part, the differing journal models reflect an unresolved tension between the advantages of recognizing student work with credits (and recruiting on that basis), and the undesirability of insisting that a student pay simply in order to join – or stay on – a journal. The result is that two students may end up performing similar work, either on the same journal or different journals, with one receiving credit (and paying for it), while the other receives no credit but pays nothing either.

The two authors of this article are executive editors on the McGill Journal of Law and Health (MJLH) and the Journal of Sustainable Development Law and Policy (JSDLP), respectively. We are proud of our journals and our work for them, and we are learning a lot – from other student editors, from our authors (including McGill law professors), and from the independent work we do to carry each article to publication. In short: we are happy to be part of these endeavours. We are also happy that the Faculty is proud of the journals as well (to judge the Research Impact page by its "cover"). But the reputational and professional benefit that the Faculty derives from our publications – that is,

from the students who produce them – is added to the financial benefit they already receive in the form of the tuition paid by students wishing to have this experience. And so, although journals are very different from GA- and TLships, the result is similar in the abstract: an unearned benefit accrues to the Faculty, with both the time and effort costs and the financial cost borne by a select number of students.

We acknowledge that McGill's position appears to be the norm: across Canada, law journals typically are credited activities, and according to representatives we contacted, tuition is charged on these credits. Further, there is at least one recently created student-run law journal that is currently strictly voluntary (no credits, no cost), a practice that is also typical in some other fields such as medicine. Nonetheless, the fact that McGill is in line with other law schools does not make the situation any more acceptable from an ethical standpoint.

At the same time, we do not wish to convey the impression that the situation for journal "staff" is on the level of exploitation that we identified above for GAs and TLs. While the focus of the latter is clearly on service first and learning second, we believe that journal work does represent a genuinely educational experience that at minimum is on par with its service aspect (at least insofar as the service is to the benefit of the Faculty). Our proposed solution reflects this difference.

- What we propose for journal positions: A "bursary" or "stipend" covering exactly the cost of tuition charged to the student for the credits earned on the journal; the stipulation "charged to the student" means that the stipend will vary according to whether the student is from Quebec, out of province, or another country, to ensure that the net result is always \$0. This solution reflects the reality that it is sometimes easier to make a technical system more complex than to attempt to defeat it entirely; that is, we suspect it may be easier to create a bursary fund to be applied to student accounts than to create a special rule that will override the cost of a certain number of credits if specific course codes appear in a student's registration. The stipend solution also acknowledges symbolically a responsibility on the part of the Faculty to right an imbalance in their exchange with students in these positions.

F. For the greater good: Legal Information Clinic at McGill

The Legal Information Clinic at McGill (LICM) recently celebrated its fortieth anniversary of providing service to the community. At the Clinic, most students are volunteers, contributing two to three hours a week, but the director positions and those of senior advocates in the LICM-run Student Advocacy Program (SAP) are credited. LICM directors (including the SAP director) coordinate the operation, train the volunteers in the Clinic's procedures, and serve a major educational role in imparting their legal knowledge and experience to the volunteers they supervise. As with the journals, paying for credits is a requirement to be a LICM director or SAP senior advocate.

Given that the Clinic serves the Québec population at large, an

argument based on a direct benefit to the Faculty of Law is difficult to make out. Undoubtedly, the Clinic's work reflects very well on the social responsibility of the Faculty, but the direct prestige it imparts on the institution is arguably less. On the other hand, a critical part of the LICM's mandate is service within McGill. This "local" connection is two-pronged. First, as noted, the Clinic runs the Student Advocacy Program, which represents students who wish to file a grievance or who are accused of an offence under the University's policy framework; this program is a service to which the University directly refers students. Second, as part of the general Clinic service, the LICM offers assistance to student callers seeking legal information for problems outside McGill. Thus, while the LICM's direct benefit specifically to the Faculty of Law is arguably limited, its benefit to the University is very significant. And since the exchange described earlier under "Principles" implicates not only the Faculty but also (and indeed, in the first instance) the University, the same rationale about unearned benefit applies.

- What we propose for LICM directorship positions: We suggest that the "stipend" solution described above for the journals would be equally appropriate for the LICM positions, and for the same reasons.

G. "Yes, but...": Some counterarguments (and our rebuttals)

As we noted at the beginning of this article, our aim in writing is to stimulate a dialogue within the Faculty on the subject of "work credits." To this end, we anticipate some counterarguments below and explain why they cannot stand.

1. "The students are benefitting from these experiences too."

We certainly hope so – that's at least one of the goals of schooling. See Principle 1 above for our full response.

2. [Building on counterargument 1] "Yes, but these are special positions that have a lot of cachet. The students will stand out because of these experiences on their CVs."

It is true that these are often coveted positions and considered to be very valuable in that sense. But that is simply another aspect of "professional development" under Principle 1, and the fact that the work is done for free does not add to the cachet. A track record of summer and part-time work at top firms is also a valuable commodity, probably much more so than some of the activities under discussion here, depending on one's career goals. Should these also be available only at a cost to the student?

3. "What you're talking about will have cost implications, and money is tight."

We recognize that what we have proposed is not "free." But one cannot simply claim that something that is inherently unfair suddenly becomes fair in the light of budgetary constraints. Moreover, the current situation is not free now either – it is simply

that the cost is being borne by another party that has already paid its share.

4. "The Faculty provides resources to the students that you aren't considering, especially office space."

This counterargument, which applies to the journal and LICM positions, fails for reasons that stem from the very nature of credits. The terms of the "exchange" between students and the University includes resources that are communal (i.e., shared between the participants in a course). Space is one such resource, and so to suggest that office space is not part of the exchange would imply that classrooms for lectures are also outside the bargain.

5. "The students are choosing to do this – no one is forcing them."

There are two responses to this counterargument. First – and apologies to Prof. Fox-Decent for borrowing his line of reasoning from a recent class – is an agreement morally justified just because both parties enter into it willingly? Most people will agree that there are limits, and it is a question of determining where to draw the line. If a student in our Faculty wishes to gain teaching experience, they have no choice but to pay for this privilege while others across campus doing exactly the same thing are themselves paid very well; furthermore, in exchange for their money and their time, our GAs and TLs are guaranteed little in the way of the quality of their experience or the rights they can expect to enjoy. Our view is that this crosses the line.

Second, the TL- and GAs, the journal positions, and the LICM directorships all constitute special educational experiences that would be difficult to replicate elsewhere and are available to students only if they are willing to enroll in the credits. Hence, while students are not literally forced to pay to take on this work, they are coerced into doing so if the experience is something they value.

6. "The selection process for these roles is not rigorous. If money becomes involved, the lack of transparency will cause problems."

We agree that this might sometimes be the case, and that if so, it would be problematic. But that cannot be regarded as an argument against our proposals. The selection processes should be fair even if the status quo is maintained, first because it is simply "a good thing" for things to be fair, and second, because the stakes are especially high in light of the cachet these positions are considered to enjoy.

7. "Your proposal for the journals and the LICM would mean that some students would ultimately pay less for their education, and that wouldn't be fair."

As long as all students have an equal opportunity to be considered for these roles, based on merit, and the selection process is made transparent, we have difficulty understanding why this would be unfair. Also according to this reasoning, the concept of scholarships should also be unfair.

8. "There are far bigger problems in the world to worry about." Yes, there are. We would like to think, however, that achieving fairness is not a zero-sum game.

H. Have your say!

Are you interested in discussing these issues or hearing from faculty and other representatives? Come to the "Money Talks" town hall meeting on Wednesday at 2:30 in the Moot Court!



MONEY TALKS:

PAYING, PAID AND UNPAID
STUDENT WORK

When: Wednesday, October 30 from 12:30 – 2:30

Where: Moot Court

RSVP: mlcc.law@mcgill.ca

Do you work for a journal? Have you or will you participate in a legal clinic course or clerkship for credit? Ever wondered why some internships are paid while others are not?

Mercredi 30 octobre pendant la pause universelle le cours de Clinique juridique vous offre une tribune de discussion sur les enjeux du travail étudiant rémunéré (p. ex. les assistant(e)s de recherche, les stages d'été), du travail étudiant pour lequel les étudiants paient (p. ex. l'équipe rédacteur du MLJ, TLs/GAs) et le travail étudiant non rémunéré (p. ex. les responsables des séminaires étudiants).

Six panellists have agreed to participate in this Town Hall Discussion:

Student Representatives:	Hugo Collin-Desrosiers & Dan Willband
Faculty Representative:	Nandini Ramnujam
Labour Lawyer:	Me Isabelle Boivin (Trudel Nadeau)
Clinic Representative:	Me Christine Paquin (Mile End Legal Clinic)
Union Representative:	Sean Cory (AMURE)

Voici l'occasion de poser les questions difficiles! Soumettez vos questions perspicaces et pointues à mlcc.law@mcgill.ca

PETER
GRBAC

AN OPEN LETTER TO THE NAHUM GELBER LIBRARY

Dear Nahum,

First off, I'm a big fan of your library – the elevators with their checkered flooring and sleek black paneling (if the lift were slower, I'd probably jam out in there), the desk coverings with their little letters (great substitute for my alphabet soup), and the free internets.

Like most law students, I think the library is an important (some might even say sacred) place perched on top of the mountain tattooed with its ancient words. Let's be real – just getting to it is a mission. After an arduous trek up the hill of death, fighting off the crazy cab drivers, jostling with the undergrads, juggling casebooks, and managing to wipe the beads of sweat from my forehead, your library is a beacon to my hope, the finish line to my marathon, the light to my tunnel.

So when I throw open those heavy doors (or just press the button) and dash towards the third floor (or take the elevator) only to find the library completely full, I am crushed, I am broken, I am empty. It'd be one thing if the library were full of law students reviewing their contracts fact patterns or debating the constitution; but to find the desks littered with physics problem sets, economics articles, sociology presentations, and literature texts leaves me confused. Am I really in the law faculty?

Are my classmates secretly geniuses juggling multiple degrees? Or have I completely misread the Foundations syllabus and discovered that its content is actually made up of relevant and useful texts? I mean I could always do my work in the stairwells (and here I was thinking U of T was rough with its students ripping pages out of textbooks... I can't even find a spot in the library to rip a page) but I'm pretty sure Margaret Baratta's email said that would be a fire code violation.

And so I have to ask – is your vision of a place of study for generations of law students being met when these very generations can't even access the library space? Does your library merit the title of a "faculty" library when faculty members, specifically law students, can't even study there? I leave you with these questions but know that it doesn't have to be this way. This whole problem could be solved with some sort of barrier at the entrance – like a dragon or a maze or even a simple turnstile with an ID scanner. Also, it wouldn't have to be permanent – let's just say one month before exams?

So if you'd like to get in touch, you can find me somewhere in the library looking for a spot.

Here's to another game of musical chairs!

Best,

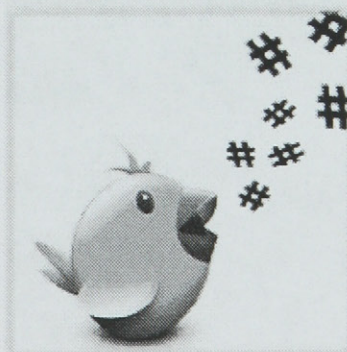
Peter

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JUSTICE AND DISTRIBUTION OF EQUAL OPPORTUNITY

Justice Goodwin Liu of the Supreme Court of California engaged the McGill community on justice and the distribution of equal opportunity on Wednesday October 16.

La Revue de droit de McGill a reçu le Juge Goodwin Liu de la Cour suprême de Californie dans le cadre de sa Conférence annuelle. The Annual Lecture was held in the Moot Court on Wednesday, October 16 and was followed by a reception where attendees had the opportunity to meet with the speaker.

Justice Liu's theme was "Justice and Distribution of Equal Opportunity". Instead of focusing on law, the lecture was centered on education policy and the difficult question of what equality means in the education context. While politicians and policymakers often endorse the premise that there ought to be "equality of educational opportunity", Justice Liu noted that this assertion raises several questions: What does "equality of educational opportunity" mean? What are its limitations? And does it provide meaningful guidance for the construction of public policy? Through a careful examination of John Rawls' principle of equality of opportunity and the kinds of inequalities it does and does not address, Justice Liu deconstructed the current standards used to set education policy in the United States while encouraging the audience to think about the type of distribution of opportunity our society should aspire to reach. Then, in the question period, he addressed what role the judiciary might play in these admittedly

political questions, as well as bringing up several practical illustrations of the problems posed by different conceptions of equality.

Justice Goodwin Liu is an Associate Justice of the Supreme Court of California. He was nominated and appointed to the position by Governor Edmund G. Brown, Jr. in 2011. The son of Taiwanese immigrants, Justice Liu grew up in Sacramento, where he attended public schools. He earned a bachelor's degree in biology from Stanford University in 1991 and then attended Oxford University on a Rhodes Scholarship to obtain masters degrees in philosophy and physiology. Upon returning to the United States, helped launch the AmeriCorps national service program in Washington, D.C. and worked for two years as a senior program officer at the Corporation for National Service. Justice Liu graduated from Yale Law School in 1998, becoming the first in his family to earn a law degree. He clerked for Judge David Tatel on the U.S. Court of Appeals for the D.C. Circuit and then worked as Special Assistant to the Deputy Secretary of the U.S. Department of Education, where he developed and coordinated K-12 education policy. He went on to clerk at the U.S. Supreme Court for Justice Ruth Bader Ginsburg in 2000. In 2001, he joined the appellate litigation practice of O'Melveny & Myers in Washington, D.C. Over 120 students, practitioners, faculty, and community members attended the McGill Law Journal's Annual Lecture, which was partially sponsored by the Law Student Association.



REPORT FROM FACULTY COUNCIL: SEPTEMBER 23RD, 2013

The first faculty council of the year began with updates from Dean Daniel Jutras and Vice-Academic Dean Jay Ellis concerning recent fundraising efforts by the faculty, McGill Law's position in the QS Rankings and the linguistic policy at the faculty.

1) Fundraising

The Faculty succeeded in raising over 38\$ million dollars in its recent fundraising effort, 3 million over its original goal. This funding comprised over 400,000\$ endowment from BLG to the Paul-Andre Crepeau Center for Private and Comparative law, a 3 million endowment over six years from alumnist Anna Yang to increase student exchange opportunities for students at the faculty of law and arts as well as a contribution from Li Kaishin of roughly 2.5 million dollars to the faculty of law towards improving the faculty's exchange with Shantou University and the creation of an Asian law chair at the faculty (no time line provided).

2) Rankings

Though the Dean acknowledged that McGill Law's ranking had decreased in the QS ratings to 27th and to 3rd in Maclean's, he also noted the flaws inherent in these rankings schemes given the Faculty's bilingual and bilingual context. For example, Maclean counts neither French publications nor publications in non-traditional law journals which serves as a key strength of McGill's Faculty. The Council was also reminded by the SAO that McGill students remain the top choice of employers by Canadian firms.

3) Politique Linguistique

La politique linguistique de la faculté fut retournée au conseil pour être discutée après avoir été introduite pendant la dernière session du conseil facultaire en avril 2013. Le but des discussions était de soulever des problématiques potentielles de la politique et trouver une façon de les régler. Certains professeurs ont trouvé problématiques les clauses leur demandant d'offrir une limite de mots 10% plus élevée pour les travaux en français que pour ceux en anglais, et celle leur demandant de répondre aux questions en cours dans la même langue que celle dans laquelle elles sont posées.

Nous avons aussi discuté de la question de savoir si la politique linguistique devrait servir de texte d'inspiration pour la faculté ou plutôt être une nouvelle source de directive que les professeurs seraient obligés de suivre. Plusieurs professeurs ont affirmé leur soutien au symbolisme d'une nouvelle politique linguistique mais ont exprimé des inquiétudes concernant certains articles qu'ils trouvaient trop contraignants (mentionnés ci-dessus).

A decision setting out how the linguistic policy will be refined and reintroduced to faculty council over the coming weeks as the student languages committee convenes to discuss some of the issues brought up and the dean indicates how he would like the project to move forward with respect to faculty council.

La prochaine rencontre du conseil facultaire aura lieu le 23 octobre 2013.



THE EMPTY QUID – OR, SOMETIMES WE NEED FOLLOWERS

Call this an open letter to all students. This is a moment of crisis – the Quid is almost empty. Some brave, unfaltering writers contribute to it week after week, but there are less and less texts being published. Actually, there are almost no articles between the short texts publicizing events. The crisis is so important that Professor Saumier had to ask her students in JICP to please have something published in the Quid. Our profs are getting bored. Ce commentaire a un peu blessé mon ego d'étudiante. Notre vie étudiante est-elle agonisante à un point tel que nos professeurs doivent la réanimer pendant que nous regardons ailleurs? Bien sûr, j'apprécie beaucoup les contributions de nos professeurs à Skit Night, dans le Quid ou dans Contours. Mais il me semble que nous échouons, en quelque part, si nous n'arrivons pas à garnir nous-mêmes les pages de notre journal étudiant. Donc, ce texte sera-t-il un réquisitoire demandant à ce que nous fassions preuve de leadership pour améliorer notre vie étudiante triste et morne?

Of course it won't be. Because our student life isn't empty at all. It's absolutely exploding with events. There's a coffeehouse every week, dozens of clubs which all organise their own events and conferences, other conferences which are organised for us by various branches of the Faculty or University, a student paper to contribute to, journals, panels, meet and greets, lunches, trainings, Faculty parties and 1L, 2L or 3L parties... Countless events are constantly being organised and publicised. But my feeling is, very few people have the time to go to them. We are all busy organising other events other people will not have the time to go to.

J'aimerais dire tout de suite que je ne pense pas que cette situation soit stupide et que les gens qui y participent – dont moi – soient à blâmer ou critiquer. La faculté de droit accueille des gens aux intérêts divers, qui souhaitent voir leurs intérêts représentés dans les activités qui leur sont offertes. Et ils ont – nous avons – une volonté solide. Nous sommes dangereusement bons à penser des projets, les monter, les organiser, les rédiger, les publiciser, les financer. Mais j'ai l'impression que nous avons énormément de difficulté à y participer. Lors de ma première année de droit, j'ai assisté à une conférence fabuleuse, au cours de laquelle une femme m'a racontée sa découverte, via le journal intime de son grand-père, de la vie qu'avait passée sa mère, dissidente politique, dans une prison pour femmes en Iran. Nous étions une douzaine de personnes dans la salle, et seulement deux étudiants au Bac. L'an passé, quatre représentants politiques sont venus me parler du bilinguisme à la Cour Suprême. Nous étions moins de vingt à les écouter. En enfin, hier j'ai ramassé un très beau Quid Novi, bien édité et mis en forme – qui était presque vide.

I'll move away from the Faculty, and spit out what this text is really about: our obsession with leaders and leadership. This obsession will not be very well documented in this text – because I have other things to do, and very little time to do some research. But I'm thinking, for example, of one of the criteria for the selection of Rhodes scholars, who should be people with 'instincts to lead'. Of course, it is easy to argue that we would want the Rhodes scholarship to be given to 'leaders'. But I'm also thinking of high school ads which tell parents that they will make their children – their twelve-year-old children – the leaders of tomorrow. I'm thinking of the important status we give to people who are VPs of committees – to the point where each and every exec on the LSA is a VP something.

Je ne pourrai écrire nulle part sur mon CV que j'ai écrit cet article. Ce temps que j'y ai dédié n'existera pas sur la moi de papier. Mais il existe dans la réalité quand même! J'y développe ma capacité à parler le bilingue-schizophrène. Il me permet d'accepter l'idée que mes idées soient lues publiquement, peut-être appréciées, mais peut-être aussi critiquées ou ridiculisées. Il me permet d'exister un petit plus dans le monde de la Faculté de droit, et donc de m'y sentir un peu plus à ma place. Je me souviens d'avoir mentionné à quelqu'un qu'il me semblait, justement, que mon CV manquait de 'leadership'. On m'a répondu que mon implication passée dans un refuge pour femmes semblait une preuve de leadership communautaire. Mais il me semble, bien au contraire, qu'elle ne l'est pas du tout – et que c'est parfait ainsi. Cette magnifique ressource existe, et ce depuis les années 80, mais ce ne sont pas celles qui l'ont créée qui peuvent la faire avancer aujourd'hui. Elle doit attirer des gens prêts à suivre le mouvement.

I also remember telling someone in the Faculty that my involvement in the 'printemps érable' moment at the Faculty was partly motivated by the fact that the greater movement was organised for me. I simply had to show up to protests and discussions taking place in Montreal. A good part of the material I could use to try to convince people was already written for me. The response to that admission was a bit cold – my position was associated with passivity, with the idea that I was being acted upon, as would an object, rather than acting, as would a subject.

Je ne pense pas que le fait de suivre est un signe de passivité. Une personne peut prendre la décision de suivre. Et si cette décision prend (parfois) moins de courage et demande (parfois) d'investir moins de temps, que celle de créer ou gérer un nouvel événement ou mouvement, elle reste valable. Et formidablement nécessaire. On ne rassemble pas 200 000 personnes si les seules personnes qui se présentent au rendez-vous sont celles qui ont lancé l'invitation.

I don't blame students for organizing events. I don't blame them

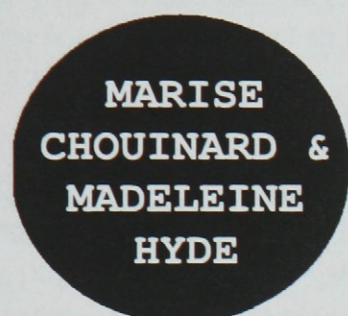
for not showing up to events either. I don't think this is an individual problem. I don't think anyone has ever thought: 'I'd like to go to this conference, but won't be able to write that on my CV... I'll go organise my own!' We all have packed schedules. But at this point, maybe we should look at what is collectively happening around us, and ask how it is happening. We live in a world where we are forced to take on a great number of extra-curricular obligations in order to feel fulfilled and be 'competitive candidates' to whatever position or function we want to occupy – which prevent us from attending conferences as much as they prevent us to go grab a coffee with an old friend we ran into when exiting the metro.

Nous ne changerons pas ce monde stressant d'un coup, et je ne l'empêcherai pas de fonctionner en écrivant cette lettre. Mais je l'écris quand même, et je vous invite à faire de même. Parce que

j'ai choisi d'étudier le droit à McGill pour entendre ce que d'autres étudiants passionnés ont à dire. Parce que le Quid reste une des plus importantes excuse que nous avons pour cesser de travailler pour une petite demi-heure les mardi midi.

So please, follow others – those who give you this platform. Forget useful time planning for an hour or so. Half this faculty has told me to stop working too hard. Well, here you go dear colleagues. Granted, the world has seen 21-year-olds do crazier, stupider things than write an open letter to a student paper. But still, this isn't schoolwork. This is keeping an important chunk of our student life, the place which permits us to coexist (quite chaotically) together in all of our oppositions, alive. Not by planning, financing, organising, or facilitating.

En participant.



CAN YOU SPOT THE TRUE HORROR STORIES?

Can you spot the true employment horror stories?

On Halloween, we always like to share our spine-chilling recruitment tales with you. This year, we thought we'd add a twist by asking you whether you think you can tell the real anecdotes from the ones we made up. Nous avons aussi ajouté une nouvelle section "employeurs" puisque, rassurez-vous, vous n'êtes pas les seuls à gaffer. Hint: most of them are true. Bons frissons!

Students

1. Student photoshops him/herself with a recruiter in various social settings (the beach, at a bar, shopping) and posts pictures on Facebook to psyche out other students.
2. Student goes to a firm-hosted cocktail during second-round interviews season still wearing nametag from the previous cocktail attended.
3. Student asks mom, a good client of a targeted law firm, to pressure recruiter to reconsider rejected application.
4. Un(e) étudiant(e) refuse de se conformer à l'exigence des documents écrits; décide de soumettre une candidature vidéo, incluant une portion musicale, pour "avoir plus d'impact".
5. Student wears track suit and sneakers to in-firm interview, in order to be able to go jogging right before to steady nerves.
6. Student writes the CDO reporting a login issue with their McGill account information when trying to log on to a platform hosted by an Ontario law school.

7. Student forgets to bring a pair of indoor shoes to a recruitment cocktail, and ends up spending the evening donning a suit and mud-caked Sorel boots.

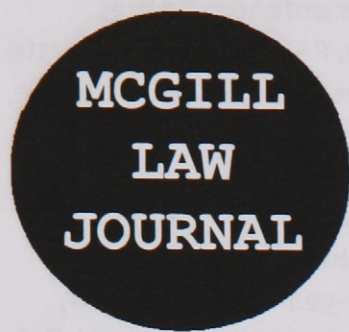
8. Student questions 1 400\$/week salary for students; demands that this be justified by seeing profits and implies deserving more than other students for being better.

9. Student misses an interview; hand-delivers a written note to apologize. Student then takes a selfie in front of the office and emails it to recruiter to "prove" that the note was in fact hand-delivered.

Employers

1. Recruitment coordinator sends interviewer to wrong venue despite being told four times that venue has changed since last year.
2. Recruitment coordinator asks when schedule will be sent by replying to same email in which schedule was sent.
3. Recruiter, who is a member of both the Quebec and New York bars, insists that all students refer to him/her as "Maître Esquire So-and-so."
4. Employers include one of the following in the list of McGill candidates they wish to interview at OCIs:
 - a. Student from another school
 - b. Recent associate from their firm
 - c. SNAIL

The answers will follow in next week's issue of the Quid! Happy Halloween!



THE MCGILL LAW JOURNAL'S INFORMATION SESSION

Take our Word for It! What Our Members Say About their Experience on the Law Journal

"The Journal takes up all my time, but she is a kind and loving mistress" –Miriam Clouthier, English Executive Editor

"My favourite part of being a member of the MLJ is the level of high positive energy and creativity of our members. It makes for an enjoyable and rewarding experience, despite the significant workload." Nancy Zagbayou, Managing Editor

"Plus je travaille pour la Revue, plus je me rends compte que je travaille dans le cadre d'une tradition bien établie tout en faisant ma propre contribution à la faculté." Amanda Wright, Junior Manager

"An editorial position is enriching from both technical and scholarly perspectives." Lawrence David, Senior English Editor

"Le quotidien d'un administrateur de la Revue est assez occupé et les tâches sont très diversifiées. Que ce soit pour organiser des activités de recrutement ou pour développer des stratégies de publicité sur le web et les réseaux sociaux, un administrateur en apprend tous les jours! Ces acquis sont assurément utiles afin de percer dans le monde du travail". Éloïse Gagné, Senior Manager

La Revue de droit de McGill tiendra prochainement une séance d'information sur le processus de recrutement annuel. Join us on Wednesday, November 6 at 12:30pm in room 200 of NCDH to learn more about the Journal, its various student positions, and the application process.

About the McGill Law Journal

The McGill Law Journal (MLJ) was founded in 1952. In the sixty-one years since its creation, the Journal has distinguished itself as a pre-eminent publication of Canadian and comparative legal scholarship. Entirely student-run, the MLJ is a registered charity under Chapter III of the Quebec Corporations Act. Originally centred on the publication of English-language articles analyzing Quebec civil law, the Journal is now a bilingual generalist publication. The MLJ is the student-run publication most frequently cited by the Supreme Court of Canada and ranks in the top 5% of 1200 legal journals according to the Australian Research Council.

Every year, the MLJ publishes a volume comprised of four issues. The Journal organizes several events during the academic year, including a Coffeehouse, the Annual Lecture, and the Annual Francophone Event.

Travailler au sein de la Revue

La Revue recrute annuellement des rédacteurs et rédactrices, ainsi que des administrateurs et administratrices afin de former son comité adjoint. Les tâches remplies par les rédacteurs juniors incluent : les premières lectures et l'évaluation des notes de bas de pages. L'implication au sein de la Revue demande un engagement de deux ans, période durant laquelle vous ne pouvez pas suivre de cours à l'extérieur de Montréal.

Les postes d'administrateurs et d'administratrices s'axent sur la gestion et l'administration de la Revue. Ces responsabilités incluent aussi l'organisation des événements tenus durant l'année scolaire, la gestion des comités internes et la gestion des plateformes électroniques.

All positions on the Journal are credited. Managers receive two credits per the academic year, while editors receive three credits. Executive positions receive four, five, or six credits, depending on the position. The executive board is elected annually from the associate board.

The McGill Law Journal's Recruitment Process

The Journal's recruitment process takes place every winter term and interviews are conducted when students return from reading week. Upon creating a profile, students will be able to download the application from the MLJ website. Students will then have ten days to complete the application. For aspiring editors, the recruitment package simulates a (longer than normal) weekly Journal assignment; the recruitment package for prospective managers is designed to test your managerial experience and event organization skills.

The Journal will review and correct all applications. Applications will be evaluated on the basis of text-editing skills, footnote and citation accuracy, and knowledge of English or French. The highest-ranked candidates will be offered an interview.

Voulez-vous en savoir plus ?

Pour plus d'information n'hésitez pas à nous contacter par courriel (mcgilllawjournalmanagement@gmail.com), ou en personne au local 306 NCDH.

RE-LAUNCHING OF AVOCATS SANS FRONTIÈRES AT THE MCGILL FACULTY OF LAW!

Avocats sans frontières Canada (ASFC) is a non-governmental international development organization. Its mission is to support the defence of human rights of the most vulnerable groups and individuals. ASFC was founded in 2002 with the purpose of contributing to the international efforts of other branches of ASF throughout the world. ASFC is currently working in Guatemala, Haiti, Colombia, and Canada, developing its work in critical areas like civil and political rights, economic, social and cultural rights, strategic litigation, access to justice, internal justice, and training programs.

ASFC has chapters at four universities in Canada, with ASF-McGill being the most recent addition. ASF-McGill strives to raise awareness on international legal issues linked to human rights as well as support ongoing ASF Canada operations on the ground through supporting and/or performing legal research.

In the coming months, ASF-McGill will host several awareness events at the faculty, providing opportunities for students to gain insight into pressing international human rights issues, as well as meet and interact with human rights lawyers. These include a round-table discussion session with knowledgeable actors on the International Criminal Court proceedings related to post-election violence in Kenya on November 4, an awareness-raising exhibition on children's rights on November 20, and a photography exhibition telling the stories of Colombian human rights defenders. However, involvement can go far beyond event attendance. In particular, ASF-McGill is now inviting students at the faculty to combine their legal education with tangible impacts by conducting research to directly assist ASFC operations on the ground.

ASF McGill is organizing the opportunity to conduct a 3-credit term essay regarding a legal question posed by an ASF lawyer currently working in Colombia, Haiti or Guatemala, which would

directly contribute to their work. The paper would be written under the supervision of a professor at the faculty, while at the same time contributing to an emblematic human rights case. More than simply an academic exercise, your research contributes to an active international organization that works in helping some of the most vulnerable populations in the world. Last but not least, you will additionally be rewarded three credits for this work. A year ago at McGill, this was not possible. Now, with the creation of the association ASF-McGill, students in the faculty of law have the opportunity to collaborate with ASFC on pivotal human rights cases.

Combining legal studies with real-world impacts, ASF-McGill aims to raise awareness, not only about the great injustices occurring around the world, but also the ways in which law is a tool of service; a tool that can be used to advance social change. Indeed, one of the objectives of the founders of ASF-Canada was to move ideas into action and action into organization (Pierre Brun. 2011-2012 Activity Report For Justice to be Done, p. 5). Whether for a single event, as a member of our committee, or through research work, join ASF-McGill this year and be part of a conscious society that not only cares about causes within Canadian borders, but also about human rights issues throughout the world.

To find out more about the opportunity to write a collaborative research paper with ASFC, please contact ASF-McGill's VP of Research:

Alvaro R. Córdova Flores

VP Recherches – McGill University

Email: Recherches@asfumcgill.ca

Anna Côté

Co-VP Première Année-McGill University

Email: vp1.1@asfumcgill.ca

This article does not represent the views of Avocats sans frontières- Canada.

OVERHEARD AT THE FAC

3L: I just want to be somebody's bitch.

[Entering the library, filled with people studying hard]

3L: Why so serious? On est seulement en octobre!

3L: Why do you have casebooks?

3L: I printed them out. I prefer to have a paper version of the readings.

3L: Casebook, really? You are not in 1L anymore...

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¹This financial package is offered to full-time university students in accounting, accountancy, law or notarial law and to students at HEC Montréal who are Canadian citizens or permanent residents of Canada. Students must provide proof of their full-time student status.